

WEIL, GOTSHAL & MANGES LLP

Richard W. Slack (*pro hac vice*)
(richard.slack@weil.com)
Theodore E. Tsekerides (*pro hac vice*)
(theodore.tsekerides@weil.com)
Jessica Liou (*pro hac vice*)
(jessica.liou@weil.com)
Matthew Goren (*pro hac vice*)
(matthew.goren@weil.com)
767 Fifth Avenue
New York, NY 10153-0119
Tel: 212 310 8000
Fax: 212 310 8007

*Attorneys for Appellants (Debtors and
Reorganized Debtors)*

KELLER BENVENUTTI KIM LLP

Jane Kim (#298192)
(jkim@kbkllp.com)
David A. Taylor (#247433)
(dtaylor@kbkllp.com)
Thomas B. Rupp (#278041)
(trupp@kbkllp.com)
650 California Street, Suite 1900
San Francisco, CA 94108
Tel: 415 496 6723
Fax: 650 636 9251

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

PG&E Corp., et al.

Appellants

v.

California Department of Water
Resources

Appellee

Case No. 4:22-cv-02833-HSG

On Appeal from the United States
Bankruptcy Court for the Northern
District of California

Chapter 11 Case No.: 19-30088 (DM)
(Lead Case) (Jointly Administered)

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING BRIEFING
SCHEDULE**

PG&E Corporation and Pacific Gas and Electric Company (as debtors, and as reorganized pursuant to the plan of reorganization confirmed in the above-captioned chapter 11 cases, the “**Reorganized Debtors**” or “**Appellants**”), on the one hand, and the California Department of Water Resources (“**Appellee**,” and, together with the Appellants, the “**Parties**,” and each, a “**Party**”) on the other hand, hereby stipulate as follows:

WHEREAS, pursuant to the Initial Case Management Scheduling Order (the “**Scheduling Order**”), entered on May 13, 2022 [Dkt. No. 2], Appellants’ principal brief is due “no more than 30 days after docketing of notice that the record has been transmitted or is available electronically on the District Court’s docket,” and Appellee’s response brief is due 30 days after Appellant’s principal brief is filed and served;

WHEREAS, notice that the record has been transmitted or is available electronically was filed on June 7, 2022, and entered on the docket of this appellate case on June 8, 2022, and Appellants’ principal brief is therefore due on July 8, 2022;

WHEREAS, a related appeal of the same bankruptcy court orders that are the subject hereunder is currently pending before this Court as *Northern California Power Agency, et al. v. California Department of Water Resources* (Case No. 22-cv-02834 (HSG)) (“**Case No. 22-cv-02834**”).

WHEREAS, the Parties, together with the parties in Case No. 22-cv-02834, have met and conferred regarding a briefing schedule with respect to this appeal and Case No. 22-cv-02834, and, in light of the intervening summer holiday and schedules of counsel, the Parties have agreed to a modest modification of the Scheduling Order as set forth herein, and the parties in Case No. 22-cv-02834 have agreed to an identical modified briefing schedule in Case No. 22-cv-02834 and will be submitting a similar stipulation and proposed order in that appeal;

1 WHEREAS, this is the first request by any Party to modify the Scheduling
2 Order;

3 WHEREAS, the Parties believe the requested enlargement of time will have a
4 negligible, if any, impact on the timeframe for the resolution of this appeal because
5 there is no schedule in place beyond the filing dates for briefing, and no argument
6 date has been set.

7 **IT IS HEREBY STIPULATED:**

8 1. The Scheduling Order is modified as stated herein.

9 2. Appellants' principal brief shall be filed and served no later than
10 August 8, 2022.

11 3. Appellee's response brief shall be filed and served no later than
12 October 14, 2022.

13 4. Appellants' reply brief shall be filed and served no later than
14 November 14, 2022.

15 5. The Order approving this Stipulation is without prejudice to any Party
16 herein to request further modifications of the Scheduling Order.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 Dated: June 21, 2022

2 **WEIL, GOTSHAL & MANGES LLP**
3 **KELLER BENVENUTTI KIM LLP**

4 By: /s/ Jane Kim
5 Jane Kim

6 *Attorneys for Appellants (Debtors and*
7 *Reorganized Debtors)*

8
9 Rob Bonta
10 Attorney General of California
11 DANETTE VALDEZ, SBN 141780
12 ANNADEL ALMENDRAS, SBN
13 192064
14 Supervising Deputy Attorneys General

15 By: /s/ Paul J. Pascuzzi

16 PAUL J. PASCUZZI
17 FELDERSTEIN FITZGERALD
18 WILLOUGHBY PASCUZZI & RIOS
19 LLP
20 Attorneys for Appellee California
21 Department of Water Resources, by and
22 through the State Water Project

23 “Pursuant to Local Rule 5-1(h)(3), I, Thomas B. Rupp, attest that concurrence in filing
24 this document has been obtained from the other signatories.”

25 KELLER BENVENUTTI KIM LLP

26 /s/ Thomas B. Rupp
27 Thomas B. Rupp
28

ORDER

WHEREAS, on June 21, 2022, the Appellants and Appellee filed the *Joint Stipulation and Proposed Order Modifying Briefing Schedule* (the “**Stipulation**”) requesting that the Scheduling Order in this appeal be modified;

For the reasons set forth in the Stipulation, and good cause appearing therefor,

1. The Scheduling Order is modified as stated herein.

2. Appellants’ principal brief shall be filed and served no later than August 8, 2022.

3. Appellee’s response brief shall be filed and served no later than October 14, 2022.

4. Appellants’ reply brief shall be filed and served no later than November 14, 2022.

5. This Order is without prejudice to any Party herein to request further modifications of the Scheduling Order.

IT IS SO ORDERED.

Dated: 6/22/2022



The Honorable Haywood S. Gilliam, Jr.

United States District Judge